

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMAL T. EVERETT,

No. C 11-4336 CW (PR)

Petitioner,

ORDER DISMISSING CASE;
DIRECTING CLERK TO
REFILE PETITION IN

v.

CASE NO. C 10-4323 CW (PR)

M. D. McDONALD, Warden,

Respondent.

_____/

The Clerk of the Court erroneously opened this case when Petitioner filed a document entitled, "Petition for Writ of Habeas Corpus," which is related to his other pending action, Everett v. McDonald, No. C 10-4323 CW (PR). Specifically, Petitioner's other pending action is a habeas action that has been stayed pending Petitioner's exhaustion of state remedies. Petitioner has been directed in that action to keep the Court apprised of the status of his exhaustion efforts in state court. The petition filed in the present case is a copy of a petition that Petitioner recently filed in the Alameda County Superior Court; Petitioner explains in a letter attached to the petition that he is sending the petition to this Court to show that he is in the process of exhausting state remedies.

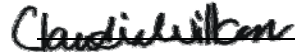
Accordingly, the Court directs the Clerk to refile the present Petition for Writ of Habeas Corpus (docket no. 1) in Case No. C 10-4323 CW (PR) as a "Status Report."

1 This case is DISMISSED because it was opened in error. No
2 filing fee is due.

3 The Clerk shall close the file.

4 IT IS SO ORDERED

5 Dated: 9/9/2011



CLAUDIA WILKEN

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JAMAL EVERETT,

Case Number: CV11-04336 CW

Plaintiff,

CERTIFICATE OF SERVICE

v.

M.D. MCDONALD et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 9, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jamal Everett G41163
BED 3B03 240 UP
Corcoran State Prison
P.O. Box 3466
Corcoran, CA 93212

Dated: September 9, 2011

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk